

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 02-40081 CW

Plaintiff,

ORDER CONCERNING
SERVICE OF
DEFENDANTS'
SENTENCES

v.

MIRZA ALI, SAMEENA ALI, KEITH GRIFFEN
and WILLIAM GLUSHENKO,

Defendants.

On December 21, 2010, the Ninth Circuit issued its mandate in United States v. Ali, 620 F.3d 1062 (9th Cir. 2010). In Ali, the Ninth Circuit reversed Defendants Mirza Ali's and Sameena Ali's convictions for promotion money laundering, but upheld their other convictions and this Court's sentence of sixty months of imprisonment and the forfeiture of property. The Ninth Circuit also upheld Defendant Keith Griffen's convictions and his sentence of thirty-three months of imprisonment. Defendant William Glushenko did not appeal his sentence, based on a guilty plea, of one year of probation. Pursuant to this Court's prior orders, Defendants are to begin serving their sentences on or before Saturday, February 19, 2011.

Plaintiff United States of America moves for an order directing Mirza Ali, Sameena Ali and Griffen to surrender by February 19 and directing Glushenko to begin serving his one-year term of probation by the same date. Mirza Ali is currently in state custody and asserts that the government's motion is moot. Sameena Ali asks the Court to maintain the stay of her sentence,

1 pending resolution of her forthcoming petition for a writ of
2 certiorari. Sameena Ali also asks the Court to recommend that she
3 be assigned to the Federal Correctional Institution in Dublin,
4 California (FCI Dublin) to serve her sentence. Griffen asks for an
5 additional thirty days to surrender, asserting that he believes
6 that it will require at least six weeks for him to receive a
7 designation from the Bureau of Prisons. He also claims that such
8 an extension is also warranted because he currently resides in
9 Oregon, which he maintains has added to the difficulty of ensuring
10 an expedient designation. Griffen also moves for an order
11 requiring briefing and setting a hearing on whether he should
12 remain free on bail pending his forthcoming certiorari petition; he
13 asks the Court to continue his surrender date until after it
14 resolves this question. Finally, Griffen asks the Court to
15 recommend that he be assigned to a federal prison camp. Glushenko
16 did not respond to the government's motion. The government opposes
17 Sameena Ali's and Griffen's requests for an extension of the
18 surrender deadline; it does not oppose Sameena Ali's request to be
19 recommended for placement at FCI Dublin.

20 Sameena Ali's and Griffen's arguments do not justify a lengthy
21 extension of the February 19, 2011 surrender deadline. The Ninth
22 Circuit denied Defendants' petitions for rehearing en banc and
23 Mirza Ali and Sameena Ali's motion to stay issuance of the mandate
24 pending resolution of their forthcoming certiorari petitions.¹
25 Griffen cites 18 U.S.C. § 3143(b) to argue that he should remain

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27 ¹ Griffen did not move to stay the Ninth Circuit's mandate.
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1 free on bail. However, his general, non-specific arguments do not
2 establish that his appeal to the Supreme Court "raises a
3 substantial question of law or fact likely to result in" the
4 reversal of his conviction, "an order for a new trial," "a sentence
5 that does not include a term of imprisonment," or "a reduced
6 sentence to a term of imprisonment less than the total of the time
7 already served plus the expected duration of the appeal process."
8 Id. § 3143(b)(1)(B). Additional briefing on this matter is not
9 necessary. Griffen had fourteen days to respond to the
10 government's motion and could have included more substantive
11 arguments; he did not do so, either in his opposition or his
12 subsequent response. Griffen's request for an additional thirty
13 days is also unwarranted.

14 Accordingly, the Court orders as follows. The government
15 shall lodge Mirza Ali's judgment and commitment order as a detainer
16 against him in state custody; his federal sentence shall begin upon
17 his release from state custody. Sameena Ali and Griffen shall,
18 before 2:00 p.m. on March 10, 2011, surrender for service of their
19 sentences at the institution designated by the Bureau of Prisons.
20 If there has been no designation made prior to the surrender date,
21 then Sameena Ali and Griffen shall report to the Office of the
22 United States Marshal in Oakland by 2:00 p.m. on the surrender
23 date, or move for a brief additional extension. Glushenko's
24 probation shall begin February 19, 2011.

25 The judgments as to Mirza Ali and Sameena Ali will be amended
26 to reflect the Ninth Circuit's reversal of their convictions of the
27 offenses charged in Counts Eleven through Twenty of the Superseding
28

1 Indictment. The Court will recommend to the Bureau of Prisons that
2 Sameena Ali be designated to serve her sentence at FCI Dublin and
3 that Griffen be designated to serve his sentence at a federal
4 prison camp.

5 IT IS SO ORDERED.

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7 Dated: 1/27/2011


CLAUDIA WILKEN
United States District Judge